

BTXN 049 (rev. 03/15)

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF TEXAS

In Re:	§	
Highland Capital Management, L.P.	§	
	§	Case No.: 19-34054-sgj11
	§	Chapter No.: 11
Debtor(s)	§	
Charitable DAF Fund, LP et al.	§	
Plaintiff(s)	§	Adversary No.: 21-03067-sgj
vs.	§	
Highland Capital Management, LP et al.	§	Civil Case No.:
Defendant(s)	§	
	§	
The Charitable DAF Fund, L.P. and CLO Holdco, Ltd.	§	
Appellant(s)	§	
vs.	§	
Highland Capital Management, L.P.	§	
Appellee(s)	§	
	§	
	§	
	§	

**NOTICE OF TRANSMITTAL**

I am transmitting:

- ☐ The Motion for leave to Appeal 28 U.S.C. § (USDC Civil Action No. DNC Case).
- ☐ The Motion for Stay Pending Appeal (USDC Action No. – DNC Case).
- ☐ The Proposed Findings of Fact and Conclusions of Law.
- ☐ The Motion to Extend Time To File Designation (USDC Civil Action No DNC Case).
- ☐ On , the Record on Appeal was transmitted. The designation of record or item(s) designated by were not filed when the record was transmitted. The item(s) were filed on awaiting instructions from the assigned district judge.
- ☐ Other
- ☐ Copies of: Notice of appeal, appealed order [81] and supporting documents

**TO ALL ATTORNEYS:** File all subsequent papers captioned and numbered with the appropriate division of the United States District Clerk's Office. Any questions concerning this proceeding should be directed to the U.S. District Clerk's Office at (214) 753-2200.

DATED: 12/15/21

FOR THE COURT:  
Robert P. Colwell, Clerk of Court

by: /s/Sheniqua Whitaker, Deputy Clerk

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF TEXAS

**APPEAL SERVICE LIST**

**Transmission of the Record**

BK Case No.: 19-34054-sgj11

Adversary No.: 21-03067-sgj

Received in District Court by: \_\_\_\_\_

Date: \_\_\_\_\_

Volume Number(s): \_\_\_\_\_

cc: Stacey G. Jernigan  
Robert (Bob) Schaaf  
Nathan (Nate) Elner  
Attorney(s) for Appellant  
US Trustee

**Appellant** The Charitable DAF Fund, L.P. and CLO Holdco, Ltd.

SBAITI & COMPANY PLLC  
Mazin A. Sbaiti  
Jonathan Bridges  
J.P. Morgan Chase Tower  
2200 Ross Avenue, Suite 4900W  
Dallas, TX 75201  
T: (214) 432-2899

**Appellee** Highland Capital Management, L.P.

PACHULSKI STANG ZIEHL & JONES LLP  
Jeffery N. Pomerantz  
Ira D. Kharasch  
John A. Morris  
Gregory V. Demo  
Hayley R. Winograd  
780 Third Avenue, 34th Floor  
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Telephone: (212) 561-7700  
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And  
Hayward & Associates PLLC  
Melissa S. Hayward  
Zachery Z. Annable  
10501 N. Central Expy. Ste. 106  
Dallas, TX 75231  
972-755-7110

BTXN 150 (rev. 11/10)

In Re:  
Highland Capital Management, L.P.

Charitable DAF Fund, LP et al.

vs.  
Highland Capital Management, LP et al.

Debtor(s)

Plaintiff(s)

Defendant(s)

Case No.: 19-34054-sgj11

Chapter No.: 11

Adversary No.: 21-03067-sgj

## CIVIL CASE COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet.

### I. (a) APPELLANT

The Charitable DAF Fund, L.P. and CLO Holdco, Ltd.

(b) County of Residence of First Listed Party:  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

SBAITI & COMPANY PLLC  
Mazin A. Sbaiti  
Jonathan Bridges  
J.P. Morgan Chase Tower  
2200 Ross Avenue, Suite 4900W  
Dallas, TX 75201  
T: (214) 432-2899

### APPELLEE

SBAITI & COMPANY PLLC Mazin A. Sbaiti (TX Bar No. 24058096) Jonathan Bridges (TX Bar No. 24028835) J.P. Morgan Chase Tower 2200 Ross Avenue, Suite 4900W Dallas, TX 75201  
T: (214) 432-2899 F: (214) 853-4367

County of Residence of First Listed Party:  
(IN U.S. PLAINTIFF CASES ONLY)

Attorney's (If Known)

PACHULSKI STANG ZIEHL & JONES LLP  
Jeffery N. Pomerantz  
Ira D. Kharasch  
John A. Morris  
Gregory V. Demo  
Hayley R. Winograd  
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And  
Hayward & Associates PLLC  
Melissa S. Hayward  
Zachery Z. Annable  
10501 N. Central Expy.Ste. 106  
Dallas, TX 75231  
Telephone: (972) 755-7100

### II. BASIS OF JURISDICTION

☐ 1 U.S. Government Plaintiff ☐ 2 U.S. Government Defendant ☒ 3 Federal Question (U.S. Government Not a Party) ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

### III. CITIZENSHIP OF PRINCIPAL PARTIES

Citizen of This State	<input type="radio"/> 1	<input type="radio"/> 1	Incorporated <i>or</i> Principal Place of Business In This State	<input type="radio"/> 4	<input type="radio"/> 4
Citizen of Another State	<input type="radio"/> 2	<input type="radio"/> 2	Incorporated <i>and</i> Principal Place of Business In Another State	<input type="radio"/> 5	<input type="radio"/> 5
Citizen or Subject of a Foreign Country	<input type="radio"/> 3	<input type="radio"/> 3	Foreign Nation	<input type="radio"/> 6	<input type="radio"/> 6

### IV. NATURE OF SUIT

☒ 422 Appeal 28 USC 158 ☐ 423 Withdrawal 28 USC 157 ☐ 890 Other Statutory Actions

### V. ORIGIN

<input checked="" type="radio"/> 1 Original Proceeding	<input type="radio"/> 2 Removed from State Court	<input type="radio"/> 3 Remanded from Appellate Court	<input type="radio"/> 4 Reinstated or Reopened
<input type="radio"/> 5 Transferred from another district	<input type="radio"/> 6 Multidistrict Litigation	<input type="radio"/> 7 Appeal to District Judge from Magistrate Judgment	

### VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

422 Appeal 28 USC 158

Brief description of cause:

Notice of appeal of a bankruptcy court order

**VII. REQUESTED IN COMPLAINT:**

☐

CHECK IF THIS IS A **CLASS ACTION** UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☐ No

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**VIII. RELATED CASE(S) IF ANY**

Judge:

Docket Number:

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DATED: 12/15/21

FOR THE COURT:

Robert P. Colwell, Clerk of Court

by: /s/Sheniqua Whitaker, Deputy Clerk

SBAITI & COMPANY PLLC  
Mazin A. Sbaiti (TX Bar No. 24058096)  
Jonathan Bridges (TX Bar No. 24028835)  
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*Counsel for The Charitable DAF Fund, L.P.  
and CLO Holdco, Ltd.*

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

In re:	§	Chapter 11
	§	
HIGHLAND CAPITAL MANAGEMENT, L.P.,	§	Case No. 19-34054-sgj11
	§	
Debtor.	§	
	§	
CHARITABLE DAF FUND, L.P. AND CLO	§	
HOLDCO, LTD., DIRECTLY AND DERIVATIVELY	§	
	§	
Plaintiffs,	§	Adversary Proceeding No.
	§	
vs.	§	21-03067-sgj11
	§	
HIGHLAND CAPITAL MANAGEMENT, L.P.,	§	
HIGHLAND HCF ADVISOR, LTD., AND	§	
HIGHLAND CLO FUNDING LTD., NOMINALLY	§	
	§	
Defendant.	§	
	§	

**NOTICE OF APPEAL AND STATEMENT OF ELECTION**

**Part 1: Identify the appellant(s)**

1. Name(s) of appellant(s):

The Charitable DAF Fund, L.P.  
CLO Holdco, Ltd.

2. Position of appellant(s) in the adversary proceeding or bankruptcy case that is the subject of this appeal:

For appeals in an adversary proceeding:

- ☒ Plaintiff  
☐ Defendant  
☐ Other (describe)
- 

For appeals in a bankruptcy case and not in an adversary proceeding:

- ☐ Debtor  
☐ Creditor  
☐ Trustee  
☐ Other (describe)

## Part 2: Identify the subject of this appeal

1. Describe the judgment, order, or decree appealed from:

Order Denying Motion to Stay [Doc. 81]

2. State the date on which the judgment, order, or decree was entered: December 7, 2021

## Part 3: Identify the other parties to the appeal

List the names of all parties to the judgment, order, or decree appealed from and the names, addresses, and telephone numbers of their attorneys:

1. *Party/Appellee:* Debtor: Highland Capital Management, L.P.

Attorney:

PACHULSKI STANG ZIEHL & JONES LLP

Jeffery N. Pomerantz

Ira D. Kharasch

John A. Morris

Gregory V. Demo

Hayley R. Winograd

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And

Hayward & Associates PLLC

Melissa S. Hayward

Zachery Z. Annable

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2. *Party/Appellants*: Plaintiffs: The Charitable DAF Fund, L.P.  
CLO Holdco, Ltd.

Attorney:

SBAITI & COMPANY PLLC  
Mazin A. Sbaiti (TX Bar No. 24058096)  
Jonathan Bridges (TX Bar No. 24028835)  
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T: (214) 432-2899  
F: (214) 853-4367

**Part 4: Optional election to have appeal heard by District Court (applicable only in certain districts):** Not applicable.

Dated: December 10, 2021

Respectfully submitted,

**SBAITI & COMPANY PLLC**

/s/ Mazin A. Sbaiti

**Mazin A. Sbaiti**

Texas Bar No. 24058096

**Jonathan Bridges**

Texas Bar No. 24028835

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**Counsel for Plaintiffs**



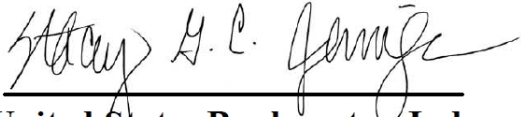
CLERK, U.S. BANKRUPTCY COURT  
NORTHERN DISTRICT OF TEXAS

**ENTERED**

THE DATE OF ENTRY IS ON  
THE COURT'S DOCKET

The following constitutes the ruling of the court and has the force and effect therein described.

Signed December 7, 2021

  
United States Bankruptcy Judge

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

In re:

HIGHLAND CAPITAL MANAGEMENT, L.P.,<sup>1</sup>  
Debtor.

CHARITABLE DAF FUND, L.P. AND CLO  
HOLDCO, LTD.

Plaintiff,

vs.

HIGHLAND CAPITAL MANAGEMENT, L.P.,  
HIGHLAND HCF ADVISOR, LTD., AND  
HIGHLAND CLO FUNDING, LTD.,

Defendants.

§ Chapter 11  
§  
§ Case No. 19-34054-sgj11  
§  
§  
§ Adversary Proceeding No.  
§  
§ Case No. 21-03067-sgj  
§  
§  
§

**ORDER DENYING MOTION TO STAY**

<sup>1</sup> The Debtor's last four digits of its taxpayer identification number are (8357). The headquarters and service address for the above-captioned Debtor is 100 Crescent Court, Suite 1850, Dallas, TX 75201.



This matter having come before the Court on the *Plaintiffs' Motion to Stay All Proceedings* [Docket No. 55] (the "Motion")<sup>2</sup> filed by Charitable DAF Fund, L.P., and CLO Holdco, Ltd., the plaintiffs (the "Plaintiffs") in the above-captioned adversary proceeding (the "Adversary Proceeding"); and this Court having considered (i) the Motion; (ii) *Highland Capital Management, L.P.'s Opposition to Motion to Stay All Proceedings* [Docket No. 60] (the "Opposition"); (iii) *Plaintiffs' Amended Motion to Stay All Proceedings* [Docket No. 69] (the "Amended Motion"); (iv) and the arguments made during the hearing held on November 23, 2021 (the "Hearing"); and this Court having found that Plaintiffs failed to demonstrate that a stay of this Adversary Proceeding is warranted; and this Court having jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334; and this Court having found that this is a core proceeding pursuant to 28 U.S.C. § 157(b)(2); and this Court having found that venue of this proceeding and the Motion in this District is proper pursuant to 28 U.S.C. §§ 1408 and 1409; and this Court having found that notice of the Motion and opportunity for a hearing on the Motion were appropriate and that no other notice need be provided; and upon all of the proceedings had before this Court, and after due deliberation and sufficient cause appearing therefor, and for the reasons set forth in the record on this Motion, **IT IS ORDERED, ADJUDGED, AND DECREED THAT**

1. The Motion is DENIED.
2. This Court retains jurisdiction with respect to all matters arising from or related to the implementation, interpretation, and enforcement of this Order.

**### END OF ORDER ###**

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<sup>2</sup> Capitalized terms used but not herein defined shall have the meanings ascribed to such terms in the Motion.

# ENTERED

Harry G. C. Jones  
United States Bankruptcy Judge

## DOCS NY:44576.1 36027/003

**U.S. Bankruptcy Court  
Northern District of Texas (Dallas)  
Adversary Proceeding #: 21-03067-sgj**

*Assigned to:* Stacey G. Jernigan  
*Lead BK Case:* [19-34054](#)  
*Lead BK Title:* Highland Capital Management, L.P.  
*Lead BK Chapter:* 11  
*Demand:*

*Date Filed:* 04/12/21  
*Date Dismissed:* 12/07/21  
*Date Transferred:* 09/20/21

*Nature[s] of Suit:* 02 Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy)

***Plaintiff***

-----  
**Charitable DAF Fund, LP**

represented by **Jonathan E. Bridges**  
Sbaiti & Company PLLC  
JP Morgan Chase Tower  
2200 Ross Avenue, Suite 4900 W  
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**LEAD ATTORNEY**

***Plaintiff***

-----  
**CLO Holdco, Ltd.**

represented by **Jonathan E. Bridges**  
(See above for address)

**Mazin Ahmad Sbaiti**  
(See above for address)  
**LEAD ATTORNEY**

V.

***Defendant***

represented by Zachery L. Annable  
Hayward PLLC  
10501 N. Central Expressway  
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Dallas, TX 75231  
(972) 755-7108  
Fax : (972) 755-7108  
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*LEAD ATTORNEY*

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Fax : (212) 561-7777  
Email: [hwinograd@pszjlaw.com](mailto:hwinograd@pszjlaw.com)

***Defendant***

-----  
**Highland HCF Advisor Ltd**


represented by **Highland HCF Advisor Ltd**  
**PRO SE**

***Defendant***

-----  
**Highland CLO Funding, Ltd.**

represented by **Paul Richard Bessette**  
King & Spalding LLP  
500 W. 2nd Street, Suite 1800  
Austin, TX 78701  
(512) 457-2050  
Fax : (512) 457-2100  
Email: [pbessette@KSLAW.com](mailto:pbessette@KSLAW.com)  
**LEAD ATTORNEY**

**Jonathan W. Jordan**  
Brobeck Phleger & Harrison  
4801 Plaza on the Lake  
Austin, TX 78746  
512-330-4000  
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**LEAD ATTORNEY**

Filing Date	Docket Text
09/29/2021	 <a href="#">1</a> (36 pgs; 3 docs) Adversary case 21-03067. ORDER REFERRING CASE NUMBER 21-CV-0842-B from U.S District Court for the Northern District of Texas, Dallas Division to U.S. Bankruptcy Court for Northern District of Texas, Dallas Division. Complaint by Charitable DAF Fund, LP , CLO Holdco, Ltd. against Highland Capital Management, LP , Highland HCF Advisor Ltd , Highland CLO Funding, Ltd. .

	Fee Amount \$350 (Attachments: # <a href="#">1</a> Original Complaint # <a href="#">2</a> Docket Sheet from 3:20-cv-0842-B). Nature(s) of suit: 02 (Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy)). (Okafor, M.)
09/29/2021	<a href="#">2</a> (1 pg) Supplemental Document (cover sheet) by CLO Holdco Ltd., Charitable DAF Fund (RE: related document(s) <a href="#">1</a> Adversary case 21-03067) [ORIGINALLY FILED IN 21-CV-0842 AS #2 ON 04/13/2021 IN U.S. DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS, DALLAS DIVISION] (Okafor, M.)
09/29/2021	<a href="#">3</a> (6 pgs) Request for Clerk to issue Summons filed by CLO Holdco Ltd, Charitable DAF Fund LP. (Sbaiti, Mazin) [ORIGINALLY FILED IN 21-CV-0842 AS #3 ON 04/13/2021 IN U.S. DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS, DALLAS DIVISION] (Okafor, M.)
09/29/2021	<a href="#">4</a> DISTRICT COURT ENTRY: New Case Notes: A filing fee has been paid. Pursuant to Misc. Order 6, Plaintiff is provided the Notice of Right to Consent to Proceed Before A U.S. Magistrate Judge (Judge Horan). Clerk to provide copy to plaintiff if not received electronically. (oyh) (Entered: 04/13/2021) (Okafor, M.)
09/29/2021	<a href="#">5</a> (6 pgs) Summons Issued as to Highland CLO Funding Ltd, Highland Capital Management LP, Highland HCF Advisor Ltd. (oyh) (Entered: 04/13/2021) [ORIGINALLY FILED IN 21-CV-0842 AS #5 ON 04/13/2021 IN U.S. DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS, DALLAS DIVISION] (Okafor, M.)
09/29/2021	<a href="#">6</a> (93 pgs; 6 docs) MOTION for Leave to File First Amended Complaiant filed by CLO Holdco Ltd, Charitable DAF Fund LP P (Attachments: # <a href="#">1</a> Exh 1_First Amended Complaint # <a href="#">2</a> Exh 2_Motion for Authorization to Retain James Seery # <a href="#">3</a> Exh 3_Order Approving Retention of James Seery # <a href="#">4</a> Exh 4_Order Approving Settlement # <a href="#">5</a> Proposed Order) (Bridges, Jonathan) (Entered: 04/19/2021) [ORIGINALLY FILED IN 21-CV-0842 AS #6 ON 04/19/2021 IN U.S. DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS, DALLAS DIVISION] (Okafor, M.)
09/29/2021	<a href="#">7</a> (1 pg) ***DISREGARD FILED IN ERROR per atty***AMENDED DOCUMENT by CLO Holdco Ltd, Charitable DAF Fund LP. Amendment to 6 MOTION for Leave to File First Amended Complaiant. Amended Proposed Order. (Bridges, Jonathan) Modified per atty request on 4/20/2021 (svc). (Entered: 04/20/2021) [ORIGINALLY FILED IN 21-CV-0842 AS #7 ON 04/20/2021 IN U.S. DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS, DALLAS DIVISION] (Okafor, M.)
09/29/2021	<a href="#">8</a> ELECTRONIC ORDER denying 6 Motion for Leave to File without prejudice. To the extent a motion for leave to file an amended complaint is required under Rule 15, Plaintiffs may renew their motion after Defendants are served and have appeared. (Ordered by Judge Jane J. Boyle on 4/20/2021) (chmb) (Entered: 04/20/2021) [ORIGINALLY FILED IN 21-CV-0842 AS #8 ON 04/20/2021 IN U.S. DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS, DALLAS DIVISION] (Okafor, M.)
09/29/2021	<a href="#">9</a> (9 pgs; 2 docs) Motion for an Order Extending the Time to File a Responsive Pleading filed by Highland Capital Management LP. (Attachments: # <a href="#">1</a> Exhibit A - Proposed Order) (Entered: 05/06/2021) (Annable, Zachery) Modified text on 5/7/2021 (jmg). [ORIGINALLY FILED IN 21-CV-0842 AS #9 ON 05/06/2021 IN U.S. DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS, DALLAS DIVISION] (Okafor, M.)
09/29/2021	<a href="#">10</a> ELECTRONIC ORDER granting in part and denying in part 9 Motion for Extension of Time to File Answer. Defendant Highland Capital Management, L.P. may file an answer or other responsive pleading on or before May 27, 2021. (Ordered by Judge Jane J. Boyle on 5/7/2021) (chmb) (Entered: 05/07/2021) [ORIGINALLY FILED IN 21-CV-0842 AS #10 ON 05/07/2021 IN U.S. DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS, DALLAS DIVISION] (Okafor, M.)
09/29/2021	<a href="#">11</a> (6 pgs; 2 docs) Application for Admission Pro Hac Vice with Certificate of Good Standing (Filing fee \$100; Receipt number 0539-11879843) filed by Highland Capital Management LP (Attachments: # <a href="#">1</a>

	Certificate of Good Standing) (Pomerantz, Jeffrey) (Entered: 05/10/2021) [ORIGINALLY FILED IN 21-CV-0842 AS #11 ON 05/10/2021 IN U.S. DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS, DALLAS DIVISION] (Okafor, M.)
09/29/2021	<a href="#">12</a> (6 pgs; 2 docs) Application for Admission Pro Hac Vice with Certificate of Good Standing (Filing fee \$100; Receipt number 0539-11879878) filed by Highland Capital Management LP (Attachments: # <a href="#">1</a> Certificate of Good Standing) (Demo, Gregory) (Entered: 05/10/2021) [ORIGINALLY FILED IN 21-CV-0842 AS #12 ON 05/10/2021 IN U.S. DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS, DALLAS DIVISION] (Okafor, M.)
09/29/2021	<a href="#">13</a> (4 pgs) Application for Admission Pro Hac Vice without Certificate of Good Standing (Filing fee \$100; Receipt number 0539-11879894) filed by Highland Capital Management LP Attorney John A Morris added to party Highland Capital Management LP(pty:dft) (Morris, John) Modified text on 5/11/2021 (jmg). (Entered: 05/10/2021) [ORIGINALLY FILED IN 21-CV-0842 AS #13 ON 05/10/2021 IN U.S. DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS, DALLAS DIVISION] (Okafor, M.)
09/29/2021	<a href="#">14</a> (6 pgs; 2 docs) Application for Admission Pro Hac Vice with Certificate of Good Standing for Attorney Robert J. Feinstein (Filing fee \$100; Receipt number 0539-11879911) filed by Highland Capital Management LP (Attachments: # <a href="#">1</a> Certificate of Good Standing) (Hayward, Melissa) (Entered: 05/10/2021) [ORIGINALLY FILED IN 21-CV-0842 AS #14 ON 05/10/2021 IN U.S. DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS, DALLAS DIVISION] (Okafor, M.)
09/29/2021	<a href="#">15</a> (5 pgs) CERTIFICATE OF SERVICE by Highland Capital Management LP re 9 Motion for an Order Extending the Time to File a Responsive Pleading (Annable, Zachery) [ORIGINALLY FILED IN 21-CV-0842 AS #15 ON 05/11/2021 IN U.S. DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS, DALLAS DIVISION] (Entered: 05/11/2021)
09/29/2021	<a href="#">16</a> ELECTRONIC ORDER granting 11 Application for Admission Pro Hac Vice of Jeffrey Pomerantz. Important Reminder: Unless excused for cause, an attorney who is not an ECF user must register within 14 days of the date the attorney appears in a case pursuant to LR 5.1(f) and LCrR 49.2(g). (Ordered by Judge Jane J. Boyle on 5/12/2021) (chmb) (Entered: 05/12/2021) [ORIGINALLY FILED IN 21-CV-0842 AS #16 ON 05/12/2021 IN U.S. DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS, DALLAS DIVISION] (Okafor, M.)
09/29/2021	<a href="#">17</a> ELECTRONIC ORDER granting 12 Application for Admission Pro Hac Vice of Gregory Demo. Important Reminder: Unless excused for cause, an attorney who is not an ECF user must register within 14 days of the date the attorney appears in a case pursuant to LR 5.1(f) and LCrR 49.2(g). (Ordered by Judge Jane J. Boyle on 5/12/2021) (chmb) (Entered: 05/12/2021) [ORIGINALLY FILED IN 21-CV-0842 AS #17 ON 05/12/2021 IN U.S. DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS, DALLAS DIVISION] (Okafor, M.)
09/29/2021	<a href="#">18</a> ELECTRONIC ORDER granting 14 Application for Admission Pro Hac Vice of Robert Feinstein. Important Reminder: Unless excused for cause, an attorney who is not an ECF user must register within 14 days of the date the attorney appears in a case pursuant to LR 5.1(f) and LCrR 49.2(g). (Ordered by Judge Jane J. Boyle on 5/12/2021) (chmb) (Entered: 05/12/2021) [ORIGINALLY FILED IN 21-CV-0842 AS #18 ON 05/12/2021 IN U.S. DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS, DALLAS DIVISION] (Okafor, M.)
09/29/2021	<a href="#">19</a> ELECTRONIC ORDER: 13 The Motion for Admission Pro Hac Vice filed by John Morris is deficient, as it is not accompanied by a certificate of good standing from the licensing authority of a state in which Mr. Morris is licensed to practice law. Mr. Morris must therefore supplement his motion. (Ordered by Judge Jane J. Boyle on 5/12/2021) (chmb) (Entered: 05/12/2021) [ORIGINALLY FILED IN 21-CV-0842 AS #19 ON 05/12/2021 IN U.S. DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS, DALLAS DIVISION] (Okafor, M.)



09/29/2021	<p>● <a href="#">20</a> (2 pgs) Supplemental Document by Highland Capital Management LP as to 13 Application for Admission Pro Hac Vice with Certificate of Good Standing (Filing fee \$100; Receipt number 0539-11879894) Certificate of Good Standing. (Morris, John) (Entered: 05/12/2021) [ORIGINALLY FILED IN 21-CV-0842 AS #20 ON 05/12/2021 IN U.S. DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS, DALLAS DIVISION] (Okafor, M.)</p>
09/29/2021	<p>● <a href="#">21</a> ELECTRONIC ORDER granting 13 Application for Admission Pro Hac Vice of John Morris. Important Reminder: Unless excused for cause, an attorney who is not an ECF user must register within 14 days of the date the attorney appears in a case pursuant to LR 5.1(f) and LCvR 49.2(g). (Ordered by Judge Jane J. Boyle on 5/13/2021) (chmb) (Entered: 05/13/2021) [ORIGINALLY FILED IN 21-CV-0842 AS #21 ON 05/13/2021 IN U.S. DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS, DALLAS DIVISION] (Okafor, M.)</p>
09/29/2021	<p>● <a href="#">22</a> (7 pgs; 2 docs) MOTION for an Order to Enforce the Order of Reference filed by Highland Capital Management LP. (Attachments: # <a href="#">1</a> Exhibit(s) A--Proposed Order) (Annable, Zachery) Modified text on 5/20/2021 (mjr). (Entered: 05/19/2021) [ORIGINALLY FILED IN 21-CV-0842 AS #22 ON 05/19/2021 IN U.S. DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS, DALLAS DIVISION] (Okafor, M.)</p>
09/29/2021	<p>● <a href="#">23</a> (31 pgs) Brief/Memorandum in Support filed by Highland Capital Management LP re: 22 MOTION for an Order to Enforce the Order of Reference. (Annable, Zachery) Modified text on 5/20/2021 (mjr). (Entered: 05/19/2021) [ORIGINALLY FILED IN 21-CV-0842 AS #23 ON 05/19/2021 IN U.S. DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS, DALLAS DIVISION] (Okafor, M.)</p>
09/29/2021	<p>● <a href="#">24</a> (926 pgs; 29 docs) Appendix in Support filed by Highland Capital Management LP re: 23 Brief/Memorandum in Support. (Attachments: # <a href="#">1</a> Appendix 1 # <a href="#">2</a> Appendix 2 # <a href="#">3</a> Appendix 3 # <a href="#">4</a> Appendix 4 # <a href="#">5</a> Appendix 5 # <a href="#">6</a> Appendix 6 # <a href="#">7</a> Appendix 7 # <a href="#">8</a> Appendix 8 # <a href="#">9</a> Appendix 9 # <a href="#">10</a> Appendix 10 # <a href="#">11</a> Appendix 11 # <a href="#">12</a> Appendix 12 # <a href="#">13</a> Appendix 13 # <a href="#">14</a> Appendix 14 # <a href="#">15</a> Appendix 15 # <a href="#">16</a> Appendix 16 # <a href="#">17</a> Appendix 17 # <a href="#">18</a> Appendix 18 # <a href="#">19</a> Appendix 19 # <a href="#">20</a> Appendix 20 # <a href="#">21</a> Appendix 21 # <a href="#">22</a> Appendix 22 # <a href="#">23</a> Appendix 23 # <a href="#">24</a> Appendix 24 # <a href="#">25</a> Appendix 25 # <a href="#">26</a> Appendix 26 # <a href="#">27</a> Appendix 27 # <a href="#">28</a> Appendix 28) (Annable, Zachery) Modified linkage and text on 5/20/2021 (mjr). (Entered: 05/19/2021) [ORIGINALLY FILED IN 21-CV-0842 AS #24 ON 05/19/2021 IN U.S. DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS, DALLAS DIVISION] (Okafor, M.)</p>
09/29/2021	<p>● <a href="#">25</a> (5 pgs) CERTIFICATE OF SERVICE by Highland Capital Management LP re 23 Brief/Memorandum in Support of Motion, 24 Appendix in Support, 22 MOTION for an Order to Enforce the Order of Reference (Annable, Zachery) (Entered: 05/21/2021) [ORIGINALLY FILED IN 21-CV-0842 AS #25 ON 05/21/2021 IN U.S. DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS, DALLAS DIVISION] (Okafor, M.)</p>
09/29/2021	<p>● <a href="#">26</a> (7 pgs; 2 docs) MOTION to Dismiss Complaint filed by Highland Capital Management LP (Attachments: # <a href="#">1</a> Exhibit(s) A--Proposed Order) (Annable, Zachery) Modified text on 5/28/2021 (jmg). (Entered: 05/27/2021) [ORIGINALLY FILED IN 21-CV-0842 AS #26 ON 05/27/2021 IN U.S. DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS, DALLAS DIVISION] (Okafor, M.)</p>
09/29/2021	<p>● <a href="#">27</a> (32 pgs) Brief/Memorandum in Support filed by Highland Capital Management LP (RE: related document(s) <a href="#">26</a> MOTION to Dismiss Complaint filed by Highland Capital Management LP (Annable, Zachery) (Entered: 05/27/2021) [ORIGINALLY FILED IN 21-CV-0842 AS #27 ON 05/27/2021 IN U.S. DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS, DALLAS DIVISION] (Okafor, M.)</p>
09/29/2021	<p>● <a href="#">28</a> (508 pgs; 14 docs) Appendix in Support filed by Highland Capital Management LP (Attachments: # <a href="#">1</a> Appendix 1 # <a href="#">2</a> Appendix 2 # <a href="#">3</a> Appendix 3 # <a href="#">4</a> Appendix 4 # <a href="#">5</a> Appendix 5 # <a href="#">6</a> Appendix 6 # <a href="#">7</a> Appendix 7 # <a href="#">8</a> Appendix 8 # <a href="#">9</a> Appendix 9 # <a href="#">10</a> Appendix 10 # <a href="#">11</a> Appendix 11 # <a href="#">12</a> Appendix 12 # <a href="#">13</a> Appendix 13) (Annable, Zachery) (Entered: 05/27/2021) [ORIGINALLY FILED IN 21-CV-0842 AS #28 ON 05/27/2021 IN U.S. DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS, DALLAS DIVISION] (Okafor, M.)</p>



09/29/2021	<a href="#">29</a> (4 pgs) Partially Opposed MOTION for Extension of Time to File Response/Reply to 26 MOTION to Dismiss (Defendant Highland Capital Management, L.P.'s Motion to Dismiss Complaint), 22 MOTION for an Order to Enforce the Order of Reference filed by CLO Holdco Ltd, Charitable DAF Fund LP (Sbaiti, Mazin) Modified text on 6/3/2021 (mjr). (Entered: 06/02/2021) [ORIGINALLY FILED IN 21-CV-0842 AS #29 ON 06/02/2021 IN U.S. DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS, DALLAS DIVISION] (Okafor, M.)
09/29/2021	<a href="#">30</a> (1 pg) WAIVER OF SERVICE Returned Executed as to CLO Holdco Ltd. Waiver sent on 6/1/2021; Charitable DAF Fund LP. Waiver sent on 6/1/2021. (Sbaiti, Mazin) (Entered: 06/03/2021) [ORIGINALLY FILED IN 21-CV-0842 AS #30 ON 06/03/2021 IN U.S. DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS, DALLAS DIVISION] (Okafor, M.)
09/29/2021	<a href="#">31</a> ELECTRONIC ORDER granting 29 Motion to Extend Time to File Response/Reply. Plaintiffs may file responses to both 22 the motion to enforce the order of reference and 26 the motion to dismiss on or before June 29, 2021. (Ordered by Judge Jane J. Boyle on 6/3/2021) (chmb) (Entered: 06/03/2021) [ORIGINALLY FILED IN 21-CV-0842 AS #31 ON 06/03/2021 IN U.S. DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS, DALLAS DIVISION] (Okafor, M.)
09/29/2021	<a href="#">32</a> (7 pgs) CERTIFICATE OF SERVICE by Highland Capital Management LP re: 27 Brief/Memorandum in Support of Motion, 28 Appendix in Support, 26 MOTION to Dismiss. (Annable, Zachery) Modified text on 6/7/2021 (mjr). (Entered: 06/04/2021) [ORIGINALLY FILED IN 21-CV-0842 AS #32 ON 06/04/2021 IN U.S. DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS, DALLAS DIVISION] (Okafor, M.)
09/29/2021	<a href="#">33</a> (1 pg) Amended Civil Cover Sheet by CLO Holdco Ltd, Charitable DAF Fund LP. Amendment to 2 Supplemental Document. (Sbaiti, Mazin) Modified text on 6/23/2021 (mjr). (Entered: 06/22/2021) [ORIGINALLY FILED IN 21-CV-0842 AS #33 ON 06/22/2021 IN U.S. DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS, DALLAS DIVISION] (Okafor, M.)
09/29/2021	<a href="#">34</a> (3 pgs) Unopposed MOTION for Leave to File Response to Motion to Dismiss in Excess of Page Limit filed by CLO Holdco Ltd, Charitable DAF Fund LP (Sbaiti, Mazin) (Entered: 06/28/2021) [ORIGINALLY FILED IN 21-CV-0842 AS #34 ON 06/28/2021 IN U.S. DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS, DALLAS DIVISION] (Okafor, M.)
09/29/2021	<a href="#">35</a> ELECTRONIC ORDER granting 34 Unopposed Motion for Leave to File Response in Excess of Page Limit. Plaintiffs' response to Defendant's motion to dismiss may exceed the page limit by no more than ten pages. (Ordered by Judge Jane J. Boyle on 6/29/2021) (chmb) (Entered: 06/29/2021) [ORIGINALLY FILED IN 21-CV-0842 AS #35 ON 06/29/2021 IN U.S. DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS, DALLAS DIVISION] (Okafor, M.)
09/29/2021	<a href="#">36</a> (26 pgs) RESPONSE filed by CLO Holdco Ltd, Charitable DAF Fund LP re: 22 MOTION for an Order to Enforce the Order of Reference (Sbaiti, Mazin) (Entered: 06/29/2021) [ORIGINALLY FILED IN 21-CV-0842 AS #36 ON 06/29/2021 IN U.S. DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS, DALLAS DIVISION] (Okafor, M.)
09/29/2021	<a href="#">37</a> (22 pgs) Appendix in Support filed by CLO Holdco Ltd, Charitable DAF Fund LP re 36 Response/Objection Response to Motion for an Order to Enforce the Order of Reference (Sbaiti, Mazin) (Entered: 06/29/2021) [ORIGINALLY FILED IN 21-CV-0842 AS #37 ON 06/29/2021 IN U.S. DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS, DALLAS DIVISION] (Okafor, M.)
09/29/2021	<a href="#">38</a> (45 pgs) RESPONSE filed by CLO Holdco Ltd, Charitable DAF Fund LP re: 26 MOTION to Dismiss (Defendant Highland Capital Management, L.P.'s Motion to Dismiss Complaint) (Sbaiti, Mazin) (Entered: 06/29/2021) [ORIGINALLY FILED IN 21-CV-0842 AS #38 ON 06/29/2021 IN U.S. DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS, DALLAS DIVISION] (Okafor, M.)
09/29/2021	

	<p>● <a href="#">39</a> (88 pgs) Appendix in Support filed by CLO Holdco Ltd, Charitable DAF Fund LP re 38 Response/Objection to Defendant Highland Capital Management, L.P.'s Motion to Dismiss Complaint (Sbaiti, Mazin) (Entered: 06/29/2021) [ORIGINALLY FILED IN 21-CV-0842 AS #39 ON 06/29/2021 IN U.S. DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS, DALLAS DIVISION] (Okafor, M.)</p>
09/29/2021	<p>● <a href="#">40</a> (7 pgs; 2 docs) Unopposed MOTION for Leave to File Reply in Excess of Page Limits (Defendant Highland Capital Management, L.P.'s Unopposed Motion for Leave to Exceed Page Limit) filed by Highland Capital Management LP (Attachments: # <a href="#">1</a> Proposed Order) (Annable, Zachery) (Entered: 07/12/2021) [ORIGINALLY FILED IN 21-CV-0842 AS #40 ON 07/12/2021 IN U.S. DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS, DALLAS DIVISION] (Okafor, M.)</p>
09/29/2021	<p>● <a href="#">41</a> ELECTRONIC ORDER granting <a href="#">40</a> Unopposed Motion for Leave to Exceed Page Limit. Defendant Highland Capital Management, L.P. may file a reply of up to fifteen pages. (Ordered by Judge Jane J. Boyle on 7/13/2021) (chmb) (Entered: 07/13/2021) [ORIGINALLY FILED IN 21-CV-0842 AS #41 ON 07/13/2021 IN U.S. DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS, DALLAS DIVISION] (Okafor, M.)</p>
09/29/2021	<p>● <a href="#">42</a> (12 pgs) REPLY filed by Highland Capital Management LP re: 22 MOTION for an Order to Enforce the Order of Reference (Annable, Zachery) (Entered: 07/13/2021) [ORIGINALLY FILED IN 21-CV-0842 AS #42 ON 07/13/2021 IN U.S. DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS, DALLAS DIVISION] (Okafor, M.)</p>
09/29/2021	<p>● <a href="#">43</a> (852 pgs) Appendix in Support filed by Highland Capital Management LP re: 42 Reply. (Annable, Zachery) Modified text on 7/14/2021 (mjr). (Entered: 07/13/2021) [ORIGINALLY FILED IN 21-CV-0842 AS #43 ON 07/13/2021 IN U.S. DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS, DALLAS DIVISION] (Okafor, M.)</p>
09/29/2021	<p>● <a href="#">44</a> (5 pgs) CERTIFICATE OF SERVICE by Highland Capital Management LP re 40 Unopposed MOTION for Leave to File Reply in Excess of Page Limits (Defendant Highland Capital Management, L.P.'s Unopposed Motion for Leave to Exceed Page Limit) (Annable, Zachery) (Entered: 07/13/2021) [ORIGINALLY FILED IN 21-CV-0842 AS #44 ON 07/13/2021 IN U.S. DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS, DALLAS DIVISION] (Okafor, M.)</p>
09/29/2021	<p>● <a href="#">45</a> (21 pgs) REPLY filed by Highland Capital Management LP re: 26 MOTION to Dismiss (Defendant Highland Capital Management, L.P.'s Motion to Dismiss Complaint) (Annable, Zachery) (Entered: 07/13/2021) [ORIGINALLY FILED IN 21-CV-0842 AS #44 ON 07/13/2021 IN U.S. DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS, DALLAS DIVISION] (Okafor, M.)</p>
09/29/2021	<p>● <a href="#">46</a> (5 pgs) CERTIFICATE OF SERVICE by Highland Capital Management LP re 42 Reply, 43 Appendix in Support, 45 Reply (Annable, Zachery) (Entered: 07/14/2021) [ORIGINALLY FILED IN 21-CV-0842 AS #46 ON 07/14/2021 IN U.S. DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS, DALLAS DIVISION] (Okafor, M.)</p>
09/29/2021	<p>● <a href="#">47</a> (3 pgs) Motion to strike <a href="#">43</a> Appendix in support filed by CLO Holdco, Ltd. , Charitable DAF Fund, LP (Bridges, Jonathan) Modified text on 7/16/2021 (mjr). (Entered: 07/15/2021) [ORIGINALLY FILED IN 21-CV-0842 AS #47 ON 07/15/2021 IN U.S. DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS, DALLAS DIVISION] (Okafor, M.)</p>
09/29/2021	<p>● <a href="#">48</a> (10 pgs) RESPONSE filed by Highland Capital Management LP re: <a href="#">47</a> Motion to strike <a href="#">43</a> Appendix in Support (Annable, Zachery) (Entered: 07/20/2021) [ORIGINALLY FILED IN 21-CV-0842 AS #48 ON 07/20/2021 IN U.S. DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS, DALLAS DIVISION] (Okafor, M.)</p>
09/29/2021	<p>● <a href="#">49</a> (3 pgs) CERTIFICATE OF INTERESTED PERSONS/DISCLOSURE STATEMENT by Highland Capital Management LP. (Annable, Zachery) (Entered: 07/23/2021) [ORIGINALLY FILED IN 21-CV-</p>

	0842 AS #49 ON 07/23/2021 IN U.S. DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS, DALLAS DIVISION] (Okafor, M.)
09/29/2021	<a href="#">50</a> (2 pgs) CERTIFICATE OF INTERESTED PERSONS/DISCLOSURE STATEMENT by Charitable DAF Fund LP. (Sbaiti, Mazin) (Entered: 07/23/2021) [ORIGINALLY FILED IN 21-CV-0842 AS #50 ON 07/23/2021 IN U.S. DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS, DALLAS DIVISION] (Okafor, M.)
09/29/2021	<a href="#">51</a> (5 pgs) CERTIFICATE OF SERVICE by Highland Capital Management LP re 48 Response/Objection (Annable, Zachery) (Entered: 07/23/2021) [ORIGINALLY FILED IN 21-CV-0842 AS #51 ON 07/23/2021 IN U.S. DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS, DALLAS DIVISION] (Okafor, M.)
09/29/2021	<a href="#">52</a> (39 pgs; 3 docs) MOTION to Take Judicial Notice of Order filed by Highland Capital Management LP (Attachments: # <a href="#">1</a> Exhibit(s) A # <a href="#">2</a> Proposed Order) (Annable, Zachery) (Entered: 08/11/2021) [ORIGINALLY FILED IN 21-CV-0842 AS #52 ON 08/11/2021 IN U.S. DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS, DALLAS DIVISION] (Okafor, M.)
09/29/2021	<a href="#">53</a> ELECTRONIC ORDER granting 52 Motion to Take Judicial Notice of Order. The Court takes judicial notice that the bankruptcy court held Plaintiffs and others in contempt of its orders. See Order, In re Highland Cap. Mgmt., L.P., No. 19-34054-sgj11 (Bankr. N.D. Tex. Aug. 4, 2021) (ECF No. 2660). The Court will consider this fact in addressing the remaining pending motions in this case, which are under advisement. (Ordered by Judge Jane J. Boyle on 8/12/2021) (chmb) (Entered: 08/12/2021) [ORIGINALLY FILED IN 21-CV-0842 AS #53 ON 08/12/2021 IN U.S. DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS, DALLAS DIVISION] (Okafor, M.)
09/29/2021	<a href="#">54</a> (5 pgs) CERTIFICATE OF SERVICE by Highland Capital Management LP re 52 MOTION to Take Judicial Notice of Order (Annable, Zachery) (Entered: 08/16/2021) [ORIGINALLY FILED IN 21-CV-0842 AS #54 ON 08/16/2021 IN U.S. DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS, DALLAS DIVISION] (Okafor, M.)
09/29/2021	<a href="#">55</a> (6 pgs) MOTION to Stay filed by CLO Holdco Ltd, Charitable DAF Fund LP (Sbaiti, Mazin) (Entered: 08/26/2021) [ORIGINALLY FILED IN 21-CV-0842 AS #55 ON 08/26/2021 IN U.S. DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS, DALLAS DIVISION] (Okafor, M.)
09/29/2021	<a href="#">56</a> ELECTRONIC ORDER: Defendants are ORDERED to file a response, not to exceed ten pages, to 55 Plaintiffs' motion to stay on or before September 10, 2021. No reply will be permitted. (Ordered by Judge Jane J. Boyle on 8/27/2021) (chmb) (Entered: 08/27/2021) [ORIGINALLY FILED IN 21-CV-0842 AS #56 ON 08/27/2021 IN U.S. DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS, DALLAS DIVISION] (Okafor, M.)
09/29/2021	<a href="#">57</a> (7 pgs; 2 docs) MOTION to Dismiss and Joinder in Motion to Dismiss of Highland Capital Management, L.P. filed by Highland CLO Funding Ltd (Attachments: # <a href="#">1</a> Proposed Order) Attorney Paul R Bessette added to party Highland CLO Funding Ltd(pty:dft) (Bessette, Paul) (Entered: 08/30/2021) [ORIGINALLY FILED IN 21-CV-0842 AS #57 ON 08/30/2021 IN U.S. DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS, DALLAS DIVISION] (Okafor, M.)
09/29/2021	<a href="#">58</a> (12 pgs) Brief/Memorandum in Support filed by Highland CLO Funding Ltd re 57 MOTION to Dismiss and Joinder in Motion to Dismiss of Highland Capital Management, L.P. (Bessette, Paul) (Entered: 08/30/2021) [ORIGINALLY FILED IN 21-CV-0842 AS #58 ON 08/30/2021 IN U.S. DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS, DALLAS DIVISION] (Okafor, M.)
09/29/2021	<a href="#">59</a> (80 pgs; 5 docs) Appendix in Support filed by Highland CLO Funding Ltd re 58 Brief/Memorandum in Support of Motion (Attachments: # <a href="#">1</a> Exhibit(s) A - Jackson v Dear # <a href="#">2</a> Exhibit(s) B - Prudential Assurance v. Newman # <a href="#">3</a> Exhibit(s) C - Harbourvest Settlement Agreement # <a href="#">4</a> Exhibit(s) D - Boleat Declaration) (Bessette, Paul) (Entered: 08/30/2021) [ORIGINALLY FILED IN 21-CV-0842 AS

	#55 ON 08/30/2021 IN U.S. DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS, DALLAS DIVISION] (Okafor, M.)
09/29/2021	<a href="#">60</a> (10 pgs) RESPONSE filed by Highland Capital Management LP re: 55 MOTION to Stay (Annable, Zachery) (Entered: 09/10/2021) [ORIGINALLY FILED IN 21-CV-0842 AS #60 ON 09/10/2021 IN U.S. DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS, DALLAS DIVISION] (Okafor, M.)
09/29/2021	<a href="#">61</a> (5 pgs) CERTIFICATE OF SERVICE by Highland Capital Management LP re 60 Response/Objection (Annable, Zachery) (Entered: 09/13/2021) [ORIGINALLY FILED IN 21-CV-0842 AS #61 ON 09/13/2021 IN U.S. DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS, DALLAS DIVISION] (Okafor, M.)
09/29/2021	<a href="#">62</a> (2 pgs) Unopposed MOTION for Extension of Time to File Response/Reply to 57 MOTION to Dismiss and Joinder in Motion to Dismiss of Highland Capital Management, L.P. filed by CLO Holdco Ltd, Charitable DAF Fund LP (Sbaiti, Mazin) Modified text on 9/20/2021 (mjr). (Entered: 09/17/2021) [ORIGINALLY FILED IN 21-CV-0842 AS #62 ON 09/17/2021 IN U.S. DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS, DALLAS DIVISION] (Okafor, M.)
09/29/2021	<a href="#">63</a> (2 pgs) ADDITIONAL ATTACHMENTS to 62 Motion for Extension of Time to File Response/Reply by Plaintiffs CLO Holdco Ltd, Charitable DAF Fund LP. (Sbaiti, Mazin) (Entered: 09/20/2021) [ORIGINALLY FILED IN 21-CV-0842 AS #63 ON 09/20/2021 IN U.S. DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS, DALLAS DIVISION] (Okafor, M.)
09/29/2021	<a href="#">64</a> (1 pg) ORDER OF REFERENCE: Pursuant to 28 U.S.C. § 157 and this District's Miscellaneous Order No. 33, this case is hereby REFERRED to Judge Stacey G. C. Jernigan of the United States Bankruptcy Court for the Northern District of Texas, Dallas Division, to be adjudicated as a matter related to the consolidated Chapter 11 Bankruptcy of Highland Capital Management, L.P., Chapter 11 Case No. 19-34054. (Ordered by Judge Jane J. Boyle on 9/20/2021) (svc) (Entered: 09/20/2021) [ORIGINALLY FILED IN 21-CV-0842 AS #64 ON 09/20/2021 IN U.S. DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS, DALLAS DIVISION] (Okafor, M.)
09/29/2021	<a href="#">65</a> Acknowledgment of referred case received from U.S. DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS, DALLAS DIVISION Case number: 21-CV-0842. (Okafor, M.)
10/19/2021	<a href="#">66</a> (5 pgs) Notice of hearing filed by Defendant Highland Capital Management, LP (RE: related document(s) <a href="#">26</a> Motion to dismiss adversary proceeding filed by Defendant Highland Capital Management, LP, <a href="#">47</a> Motion to strike document filed by Plaintiff Charitable DAF Fund, LP, Plaintiff CLO Holdco, Ltd., <a href="#">55</a> Motion to abate filed by Plaintiff Charitable DAF Fund, LP, Plaintiff CLO Holdco, Ltd.). Hearing to be held on 11/23/2021 at 09:30 AM at https://us-courts.webex.com/meet/jerniga for <a href="#">26</a> and for <a href="#">47</a> and for <a href="#">55</a> , (Annable, Zachery)
10/22/2021	<a href="#">67</a> (5 pgs) Certificate of service re: Notice of Hearing Filed by Claims Agent Kurtzman Carson Consultants LLC (related document(s) <a href="#">66</a> Notice of hearing filed by Defendant Highland Capital Management, LP (RE: related document(s) <a href="#">26</a> Motion to dismiss adversary proceeding filed by Defendant Highland Capital Management, LP, <a href="#">47</a> Motion to strike document filed by Plaintiff Charitable DAF Fund, LP, Plaintiff CLO Holdco, Ltd., <a href="#">55</a> Motion to abate filed by Plaintiff Charitable DAF Fund, LP, Plaintiff CLO Holdco, Ltd.). Hearing to be held on 11/23/2021 at 09:30 AM at https://us-courts.webex.com/meet/jerniga for <a href="#">26</a> and for <a href="#">47</a> and for <a href="#">55</a> , filed by Defendant Highland Capital Management, LP). (Kass, Albert)
10/22/2021	<a href="#">68</a> (3 pgs) Certificate of service re: (Supplemental) re Notice of Hearing Filed by Claims Agent Kurtzman Carson Consultants LLC (related document(s) <a href="#">66</a> Notice of hearing filed by Defendant Highland Capital Management, LP (RE: related document(s) <a href="#">26</a> Motion to dismiss adversary proceeding filed by Defendant Highland Capital Management, LP, <a href="#">47</a> Motion to strike document filed by Plaintiff Charitable DAF Fund, LP, Plaintiff CLO Holdco, Ltd., <a href="#">55</a> Motion to abate filed by Plaintiff Charitable DAF Fund, LP, Plaintiff CLO Holdco, Ltd.). Hearing to be held on 11/23/2021 at 09:30 AM at https://us-



	courts.webex.com/meet/JengH for <a href="#">26</a> and for <a href="#">47</a> and for <a href="#">55</a> , filed by Defendant Highland Capital Management, LP). (Kass, Albert)
11/18/2021	<a href="#">69</a> (21 pgs; 2 docs) Motion to abate <i>Plaintiffs' Amended Motion to Stay All Proceedings</i> (related document(s) <a href="#">55</a> Motion to abate (related document(s) <a href="#">1</a> Complaint)) filed by Plaintiffs CLO Holdco, Ltd., Charitable DAF Fund, LP (Attachments: # <a href="#">1</a> Exhibit A_Motion to Withdraw Reference) (Sbaiti, Mazin)
11/22/2021	<a href="#">70</a> (1310 pgs; 2 docs) Witness and Exhibit List <i>for Hearing on November 23, 2021</i> filed by Defendant Highland Capital Management, LP (RE: related document(s) <a href="#">69</a> Motion to abate <i>Plaintiffs' Amended Motion to Stay All Proceedings</i> (related document(s) <a href="#">55</a> Motion to abate (related document(s) <a href="#">1</a> Complaint))). (Attachments: # <a href="#">1</a> Exhibits 1-30) (Hayward, Melissa)
11/22/2021	<a href="#">71</a> (509 pgs; 2 docs) Witness and Exhibit List <i>for Hearing on November 23, 2021</i> filed by Defendant Highland Capital Management, LP (RE: related document(s) <a href="#">26</a> Motion to dismiss adversary proceeding). (Attachments: # <a href="#">1</a> Exhibits 1-13) (Hayward, Melissa)
11/22/2021	<a href="#">72</a> (2 pgs) Witness List filed by Plaintiffs CLO Holdco, Ltd., Charitable DAF Fund, LP (RE: related document(s) <a href="#">26</a> Motion to dismiss adversary proceeding, <a href="#">47</a> Motion to strike (related document(s): <a href="#">43</a> Document), <a href="#">55</a> Motion to abate (related document(s) <a href="#">1</a> Complaint), <a href="#">69</a> Motion to abate <i>Plaintiffs' Amended Motion to Stay All Proceedings</i> (related document(s) <a href="#">55</a> Motion to abate (related document(s) <a href="#">1</a> Complaint))). (Sbaiti, Mazin)
11/22/2021	<a href="#">73</a> (189 pgs; 4 docs) Exhibit List <i>for November 23, 2021 hearing</i> filed by Plaintiffs CLO Holdco, Ltd., Charitable DAF Fund, LP (RE: related document(s) <a href="#">47</a> Motion to strike (related document(s): <a href="#">43</a> Document), <a href="#">55</a> Motion to abate (related document(s) <a href="#">1</a> Complaint)). (Attachments: # <a href="#">1</a> Exhibit 1_Defendant's Memorandum of Law in Support of Motion for Reconsideration # <a href="#">2</a> Exhibit 2_Highland Memorandum in Support of Motion to Dismiss # <a href="#">3</a> Exhibit 3_Order (I) Confirming Fifth Amended Plan of Reorganization of Highland) (Sbaiti, Mazin)
11/23/2021	<a href="#">74</a> (1 pg) Request for transcript regarding a hearing held on 11/23/2021. The requested turn-around time is hourly (Jeng, Hawaii)
11/23/2021	<a href="#">75</a> Hearing held on 11/23/2021. (RE: related document(s) <a href="#">55</a> MOTION to Stay filed by CLO Holdco Ltd, Charitable DAF Fund LP (Sbaiti, Mazin) (Entered: 08/26/2021) [ORIGINALLY FILED IN 21-CV-0842 AS #55 ON 08/26/2021 IN U.S. DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS, DALLAS DIVISION] (Okafor, M.)) (Appearances: J. Pomerantz and J. Morris for Highland Defendants; J. Jordan and P. Bessett for HCLOF; M. Sbaiti for Plaintiffs. Nonevidentiary hearing. Motion denied. Mr. Pomerantz to upload order. ) (Jeng, Hawaii)
11/23/2021	<a href="#">76</a> Hearing held on 11/23/2021. (RE: related document(s) <a href="#">47</a> Motion to strike <a href="#">43</a> Appendix in support filed by CLO Holdco, Ltd. , Charitable DAF Fund, LP (Bridges, Jonathan) Modified text on 7/16/2021 (mjr). (Entered: 07/15/2021) [ORIGINALLY FILED IN 21-CV-0842 AS #47 ON 07/15/2021 IN U.S. DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS, DALLAS DIVISION] (Okafor, M.)) (Appearances: J. Pomerantz and J. Morris for Highland Defendants; J. Jordan and P. Bessett for HCLOF; M. Sbaiti for Plaintiffs. Nonevidentiary hearing . Motion denied (Plaintiffs acknowledged complained-of Appendices it did not relate to Motion to Dismiss). Mr. Pomerantz to upload order. ) (Jeng, Hawaii)
11/23/2021	<a href="#">77</a> Hearing held on 11/23/2021. (RE: related document(s) <a href="#">26</a> MOTION to Dismiss Complaint filed by Highland Capital Management LP (Attachments: # 1 Exhibit(s) A--Proposed Order) (Annable, Zachery) Modified text on 5/28/2021 (jmg). (Entered: 05/27/2021) [ORIGINALLY FILED IN 21-CV-0842 AS #26 ON 05/27/2021 IN U.S. DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS, DALLAS DIVISION] (Okafor, M.)) (Appearances: J. Pomerantz and J. Morris for Highland Defendants; J. Jordan and P. Bessett for HCLOF; M. Sbaiti for Plaintiffs. Nonevidentiary hearing (Appendices only). Motion taken under advisement. ) (Jeng, Hawaii)

11/24/2021	<p>● <a href="#">78</a> (104 pgs) Transcript regarding Hearing Held 11-23-2021 RE: Motion Hearing. THIS TRANSCRIPT WILL BE MADE ELECTRONICALLY AVAILABLE TO THE GENERAL PUBLIC 90 DAYS AFTER THE DATE OF FILING. TRANSCRIPT RELEASE DATE IS 02/22/2022. Until that time the transcript may be viewed at the Clerk's Office or a copy may be obtained from the official court transcriber. Court Reporter/Transcriber Liberty Transcripts/Dipti Patel, Telephone number 847-848-4907. (RE: related document(s) <a href="#">75</a> Hearing held on 11/23/2021. (RE: related document(s) <a href="#">55</a> MOTION to Stay filed by CLO Holdco Ltd, Charitable DAF Fund LP (Sbaiti, Mazin) (Entered: 08/26/2021) [ORIGINALLY FILED IN 21-CV-0842 AS #55 ON 08/26/2021 IN U.S. DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS, DALLAS DIVISION] (Okafor, M.)) (Appearances: J. Pomerantz and J. Morris for Highland Defendants; J. Jordan and P. Bessett for HCLOF; M. Sbaiti for Plaintiffs. Nonevidentiary hearing. Motion denied. Mr. Pomerantz to upload order. ), 76 Hearing held on 11/23/2021. (RE: related document(s) <a href="#">47</a> Motion to strike <a href="#">43</a> Appendix in support filed by CLO Holdco, Ltd., Charitable DAF Fund, LP (Bridges, Jonathan) Modified text on 7/16/2021 (mjr). (Entered: 07/15/2021) [ORIGINALLY FILED IN 21-CV-0842 AS #47 ON 07/15/2021 IN U.S. DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS, DALLAS DIVISION] (Okafor, M.)) (Appearances: J. Pomerantz and J. Morris for Highland Defendants; J. Jordan and P. Bessett for HCLOF; M. Sbaiti for Plaintiffs. Nonevidentiary hearing. Motion denied (Plaintiffs acknowledged complained-of Appendices it did not relate to Motion to Dismiss). Mr. Pomerantz to upload order. ). Transcript to be made available to the public on 02/22/2022. (Patel, Dipti)</p>
11/29/2021	<p>● <a href="#">79</a> (6 pgs) Certificate of service re: 1) Debtor's Witness and Exhibit List with Respect to Evidentiary Hearing to be Held on November 23, 2021; and 2) Debtor's Witness and Exhibit List with Respect to Evidentiary Hearing to be Held on November 23, 2021 Filed by Claims Agent Kurtzman Carson Consultants LLC (related document(s) <a href="#">70</a> Witness and Exhibit List <i>for Hearing on November 23, 2021</i> filed by Defendant Highland Capital Management, LP (RE: related document(s) <a href="#">69</a> Motion to abate <i>Plaintiffs' Amended Motion to Stay All Proceedings</i> (related document(s) <a href="#">55</a> Motion to abate (related document(s) <a href="#">1</a> Complaint))). (Attachments: # 1 Exhibits 1-30) filed by Defendant Highland Capital Management, LP, <a href="#">71</a> Witness and Exhibit List <i>for Hearing on November 23, 2021</i> filed by Defendant Highland Capital Management, LP (RE: related document(s) <a href="#">26</a> Motion to dismiss adversary proceeding). (Attachments: # 1 Exhibits 1-13) filed by Defendant Highland Capital Management, LP). (Kass, Albert)</p>
12/07/2021	<p>● <a href="#">80</a> (2 pgs) Order granting Highland CLO Funding, Ltd.'s motion to dismiss adversary proceeding with prejudice (related document # <a href="#">57</a>) Entered on 12/7/2021. (Okafor, Marcey)</p>
12/07/2021	<p>● <a href="#">81</a> (2 pgs) Order denying motion to stay (related document # <a href="#">55</a>) Entered on 12/7/2021. (Okafor, Marcey)</p>
12/07/2021	<p>● <a href="#">82</a> (2 pgs) Order dismissing motion to strike as moot (document # <a href="#">47</a>) Entered on 12/7/2021. (Okafor, Marcey)</p>
12/09/2021	<p>● <a href="#">83</a> (4 pgs) BNC certificate of mailing - PDF document. (RE: related document(s) <a href="#">80</a> Order granting Highland CLO Funding, Ltd.'s motion to dismiss adversary proceeding with prejudice (related document <a href="#">57</a>) Entered on 12/7/2021.) No. of Notices: 4. Notice Date 12/09/2021. (Admin.)</p>
12/09/2021	<p>● <a href="#">84</a> (4 pgs) BNC certificate of mailing - PDF document. (RE: related document(s) <a href="#">81</a> Order denying motion to stay (related document <a href="#">55</a>) Entered on 12/7/2021.) No. of Notices: 5. Notice Date 12/09/2021. (Admin.)</p>
12/09/2021	<p>● <a href="#">85</a> (4 pgs) BNC certificate of mailing - PDF document. (RE: related document(s) <a href="#">82</a> Order dismissing motion to strike as moot (document <a href="#">47</a>) Entered on 12/7/2021.) No. of Notices: 4. Notice Date 12/09/2021. (Admin.)</p>
12/10/2021	<p>● <a href="#">86</a> (5 pgs) Notice of appeal of <i>Order Denying Motion to Stay</i>. Fee Amount \$298 filed by Plaintiffs CLO Holdco, Ltd., Charitable DAF Fund, LP (RE: related document(s) <a href="#">81</a> Order on motion to abate). Appellant Designation due by 12/27/2021. (Sbaiti, Mazin)</p>

12/10/2021	Receipt of filing fee for Notice of appeal ( <u><a href="#">21-03007-S</a></u> ) [appealsmcap1] ( 298.00). Receipt number A29186237, amount \$ 298.00 (re: Doc# <u><a href="#">86</a></u> ). (U.S. Treasury)
12/10/2021	<u><a href="#">87</a></u> (6 pgs) Certificate of service re: 1) Order Granting Highland CLO Funding, Ltd.'s Motion to Dismiss; and 2) Order Denying Motion to Stay Filed by Claims Agent Kurtzman Carson Consultants LLC (related document(s) <u><a href="#">80</a></u> Order granting Highland CLO Funding, Ltd.'s motion to dismiss adversary proceeding with prejudice (related document <u><a href="#">57</a></u> ) Entered on 12/7/2021., <u><a href="#">81</a></u> Order denying motion to stay (related document <u><a href="#">55</a></u> ) Entered on 12/7/2021.). (Kass, Albert)

This matter having come before the Court on the *Plaintiffs' Motion to Stay All Proceedings* [Docket No. 55] (the "Motion")<sup>2</sup> filed by Charitable DAF Fund, L.P., and CLO Holdco, Ltd., the plaintiffs (the "Plaintiffs") in the above-captioned adversary proceeding (the "Adversary Proceeding"); and this Court having considered (i) the Motion; (ii) *Highland Capital Management, L.P.'s Opposition to Motion to Stay All Proceedings* [Docket No. 60] (the "Opposition"); (iii) *Plaintiffs' Amended Motion to Stay All Proceedings* [Docket No. 69] (the "Amended Motion"); (iv) and the arguments made during the hearing held on November 23, 2021 (the "Hearing"); and this Court having found that Plaintiffs failed to demonstrate that a stay of this Adversary Proceeding is warranted; and this Court having jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334; and this Court having found that this is a core proceeding pursuant to 28 U.S.C. § 157(b)(2); and this Court having found that venue of this proceeding and the Motion in this District is proper pursuant to 28 U.S.C. §§ 1408 and 1409; and this Court having found that notice of the Motion and opportunity for a hearing on the Motion were appropriate and that no other notice need be provided; and upon all of the proceedings had before this Court, and after due deliberation and sufficient cause appearing therefor, and for the reasons set forth in the record on this Motion, **IT IS ORDERED, ADJUDGED, AND DECREED THAT**

1. The Motion is DENIED.
2. This Court retains jurisdiction with respect to all matters arising from or related to the implementation, interpretation, and enforcement of this Order.

**### END OF ORDER ###**

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<sup>2</sup> Capitalized terms used but not herein defined shall have the meanings ascribed to such terms in the Motion.